



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0119

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.9a	from Ch. 122, par. 10-20.9a
105 ILCS 5/10-20.56 new	
105 ILCS 5/14-6.01	from Ch. 122, par. 14-6.01
105 ILCS 5/34-18.49 new	

Amends the School Code. Provides that a school board may create a committee on the retention of students, consisting of the district superintendent or his or her designee, a district administrator who directs student instruction and curriculum, a principal, and a teacher. Provides that prior to retention in a grade, a school may submit, by a date as set by the committee, the names of all students determined by the school to not qualify for promotion to the next higher grade and the reason for that determination. Requires the committee to review the school's decision to retain with respect to each student and make a final decision regarding whether or not to retain a particular student. Requires the committee to take into consideration the performance evaluation of the student's teacher or teachers. Provides that the committee may vote to prohibit the school district from retaining the student if the committee determines that the student is being retained due to inadequate instruction, resources, or facilities provided by the school district or due to the student having an undiagnosed learning disability. Amends the Children with Disabilities Article to provide that a child with a learning disability must not be denied promotion, graduation, or a general diploma on the basis of failing a minimal competency test when such failure can be directly related to the disabling condition of the student. Effective immediately.

LRB099 03606 NHT 23614 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-20.9a and 14-6.01 and by adding Sections 10-20.56 and
6 34-18.49 as follows:

7 (105 ILCS 5/10-20.9a) (from Ch. 122, par. 10-20.9a)
8 Sec. 10-20.9a. Final grade; promotion.

9 (a) Teachers shall administer the approved marking system
10 or other approved means of evaluating pupil progress. The
11 teacher shall maintain the responsibility and right to
12 determine grades and other evaluations of students within the
13 grading policies of the district based upon his or her
14 professional judgment of available criteria pertinent to any
15 given subject area or activity for which he or she is
16 responsible. District policy shall provide the procedure and
17 reasons by and for which a grade may be changed; provided that
18 no grade or evaluation shall be changed without notification to
19 the teacher concerning the nature and reasons for such change.
20 If such a change is made, the person making the change shall
21 assume such responsibility for determining the grade or
22 evaluation, and shall initial such change.

23 (b) School districts shall not promote students to the next

1 higher grade level based upon age or any other social reasons
2 not related to the academic performance of the students. On or
3 before September 1, 1998, school boards shall adopt and enforce
4 a policy on promotion as they deem necessary to ensure that
5 students meet local goals and objectives and can perform at the
6 expected grade level prior to promotion. Decisions to promote
7 or retain students in any classes shall be based on successful
8 completion of the curriculum, attendance, performance based on
9 the assessments required under Section 2-3.64a-5 of this Code,
10 the Iowa Test of Basic Skills, or other testing or any other
11 criteria established by the school board. Students determined
12 by the local district to not qualify for promotion to the next
13 higher grade shall be provided remedial assistance, which may
14 include, but shall not be limited to, a summer bridge program
15 of no less than 90 hours, tutorial sessions, increased or
16 concentrated instructional time, modifications to
17 instructional materials, and retention in grade, subject to
18 Section 10-20.56 of this Code.

19 (Source: P.A. 98-972, eff. 8-15-14.)

20 (105 ILCS 5/10-20.56 new)

21 Sec. 10-20.56. Committee on the retention of students.

22 (a) A school board may create a committee on the retention
23 of students. The committee shall consist of the district
24 superintendent or his or her designee, a district administrator
25 who directs student instruction and curriculum, a principal

1 from a school of the district, and a teacher from a school of
2 the district.

3 (b) Prior to retention in a grade, a school may submit, by
4 a date as set by the committee on the retention of students,
5 the names of all students determined by the school to not
6 qualify for promotion to the next higher grade and the reason
7 for that determination. The committee shall review the school's
8 decision to retain with respect to each student and shall make
9 a final decision regarding whether or not to retain a
10 particular student. The committee shall take into
11 consideration the performance evaluation of the student's
12 teacher or teachers pursuant to Article 24A of this Code. The
13 committee may vote to prohibit the school district from
14 retaining the student if the committee determines that the
15 student is being retained due to inadequate instruction,
16 resources, or facilities provided by the school district or due
17 to the student having an undiagnosed learning disability.

18 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

19 Sec. 14-6.01. Powers and duties of school boards. School
20 boards of one or more school districts establishing and
21 maintaining any of the educational facilities described in this
22 Article shall, in connection therewith, exercise similar
23 powers and duties as are prescribed by law for the
24 establishment, maintenance and management of other recognized
25 educational facilities. Such school boards shall include only

1 eligible children in the program and shall comply with all the
2 requirements of this Article and all rules and regulations
3 established by the State Board of Education. Such school boards
4 shall accept in part-time attendance children with
5 disabilities of the types described in Sections 14-1.02 through
6 14-1.07 who are enrolled in nonpublic schools. A request for
7 part-time attendance must be submitted by a parent or guardian
8 of the disabled child and may be made only to those public
9 schools located in the district where the child attending the
10 nonpublic school resides; however, nothing in this Section
11 shall be construed as prohibiting an agreement between the
12 district where the child resides and another public school
13 district to provide special educational services if such an
14 arrangement is deemed more convenient and economical. Special
15 education and related services must be provided in accordance
16 with the student's IEP no later than 10 school attendance days
17 after notice is provided to the parents pursuant to Section
18 300.503 of Title 34 of the Code of Federal Regulations and
19 implementing rules adopted by the State Board of Education.
20 Transportation for students in part time attendance shall be
21 provided only if required in the child's individualized
22 educational program on the basis of the child's disabling
23 condition or as the special education program location may
24 require.

25 A school board shall publish a public notice in its
26 newsletter of general circulation or in the newsletter of

1 another governmental entity of general circulation in the
2 district or if neither is available in the district, then in a
3 newspaper of general circulation in the district, the right of
4 all children with disabilities to a free appropriate public
5 education as provided under this Code. Such notice shall
6 identify the location and phone number of the office or agent
7 of the school district to whom inquiries should be directed
8 regarding the identification, assessment and placement of such
9 children.

10 School boards shall immediately provide upon request by any
11 person written materials and other information that indicates
12 the specific policies, procedures, rules and regulations
13 regarding the identification, evaluation or educational
14 placement of children with disabilities under Section 14-8.02
15 of the School Code. Such information shall include information
16 regarding all rights and entitlements of such children under
17 this Code, and of the opportunity to present complaints with
18 respect to any matter relating to educational placement of the
19 student, or the provision of a free appropriate public
20 education and to have an impartial due process hearing on the
21 complaint. The notice shall inform the parents or guardian in
22 the parents' or guardian's native language, unless it is
23 clearly not feasible to do so, of their rights and all
24 procedures available pursuant to this Act and federal Public
25 Law 94-142; it shall be the responsibility of the State
26 Superintendent to develop uniform notices setting forth the

1 procedures available under this Act and federal Public Law
2 94-142, as amended, to be used by all school boards. The notice
3 shall also inform the parents or guardian of the availability
4 upon request of a list of free or low-cost legal and other
5 relevant services available locally to assist parents or
6 guardians in exercising rights or entitlements under this Code.

7 Any parent or guardian who is deaf, or does not normally
8 communicate using spoken English, who participates in a meeting
9 with a representative of a local educational agency for the
10 purposes of developing an individualized educational program
11 shall be entitled to the services of an interpreter.

12 No disabled student or child with a learning disability may
13 be denied promotion, graduation or a general diploma on the
14 basis of failing a minimal competency test when such failure
15 can be directly related to the disabling condition of the
16 student. For the purpose of this Act, "minimal competency
17 testing" is defined as tests which are constructed to measure
18 the acquisition of skills to or beyond a certain defined
19 standard.

20 Effective July 1, 1966, high school districts are
21 financially responsible for the education of pupils with
22 disabilities who are residents in their districts when such
23 pupils have reached age 15 but may admit children with
24 disabilities into special educational facilities without
25 regard to graduation from the eighth grade after such pupils
26 have reached the age of 14 1/2 years. Upon a disabled pupil's

1 attaining the age of 14 1/2 years, it shall be the duty of the
2 elementary school district in which the pupil resides to notify
3 the high school district in which the pupil resides of the
4 pupil's current eligibility for special education services, of
5 the pupil's current program, and of all evaluation data upon
6 which the current program is based. After an examination of
7 that information the high school district may accept the
8 current placement and all subsequent timelines shall be
9 governed by the current individualized educational program; or
10 the high school district may elect to conduct its own
11 evaluation and multidisciplinary staff conference and
12 formulate its own individualized educational program, in which
13 case the procedures and timelines contained in Section 14-8.02
14 shall apply.

15 (Source: P.A. 98-219, eff. 8-9-13.)

16 (105 ILCS 5/34-18.49 new)

17 Sec. 34-18.49. Committee on the retention of students.

18 (a) The board may create a committee on the retention of
19 students. The committee shall consist of the general
20 superintendent of schools or his or her designee, a district
21 administrator who directs student instruction and curriculum,
22 a principal from a school of the district, and a teacher from a
23 school of the district.

24 (b) Prior to retention in a grade, a school may submit, by
25 a date as set by the committee on the retention of students,

1 the names of all students determined by the school to not
2 qualify for promotion to the next higher grade and the reason
3 for that determination. The committee shall review the school's
4 decision to retain with respect to each student and shall make
5 a final decision regarding whether or not to retain a
6 particular student. The committee shall take into
7 consideration the performance evaluation of the student's
8 teacher or teachers pursuant to Article 24A of this Code. The
9 committee may vote to prohibit the school district from
10 retaining the student if the committee determines that the
11 student is being retained due to inadequate instruction,
12 resources, or facilities provided by the school district or due
13 to the student having an undiagnosed learning disability.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.